

REMARKS

Claims 1-15 are all the claims pending in the application.

Claim Rejections Under 35 U.S.C. § 101

Claims 5, 10 and 15 are rejected under 35 U.S.C. § 101 because the claimed invention is drawn to non-statutory subject matter. These claims have been amended to recite statutory subject matter.

Claim Rejections Under 35 U.S.C. § 102

Claims 1-15 are rejected under 35 U.S.C. § 102(e) as being anticipated by White et al. (U.S. Patent No. 7,035,462). The Applicant respectfully traverses the rejection.

Claim 1 recites, *inter alia*:

“a displaying step of displaying the defect detected at the detecting step with a mark corresponding to the type of the defect and receiving a correction to an inaccuracy in the detection of the defect displayed.”

White discloses an apparatus and method for processing digital images having eye color defects. White displays a digital image containing corrected eye color defects, not the defect itself (col. 6, lines 34-37). Additionally, White discloses the ability to show different types of indicators such as a rectangle, triangle, circle or even different colors that correspond to whether a defect has been corrected or previously viewed (col. 11, line 43 to col. 12, line 5). These indicators do not corresponding to the type of the defect.

The Examiner rejects claim 1 because the Examiner alleges White discloses the displaying step of displaying the defect detected at the detecting step with a mark corresponding to the type of the defect. The Examiner cites col. 6, lines 34-37 as disclosing the displaying step of claim 1. The cited section of White discloses:

“The red-eye defect correct image (i.e. the image comprising the corrected eye color defects, hereinafter referred to as the corrected image or enhanced image) is presented/displayed on LCD 24 of

electronic camera 10.”

However, the displaying step of claim 1 displays the defect, not the corrected image as disclosed in White.

Because White attempts to eliminate user interaction to speed up red eye correction, White would explicitly exclude the display of the error along with an input of correction in the event the error detection is inaccurate. See White, col. 2, lines 12-26.

Additionally, the Examiner cites the same section as disclosing that a mark that is displayed corresponding to the type of the defect as recited in claim 1. This feature is not disclosed in this section, nor the entire disclosure of White. For these reasons, claim 1 should be patentable. New claims 16, and 17 have been added to further describe the invention with more particularity.

Claims 2-3 are patentable for at least the same reasons as claim 1 because of their dependency on claim 1.

Claims 4-5 recite limitations analogous to the limitations recited in claim 1 and therefore should be patentable for analogous reasons as claim 1.

Claim 6 describes a preprocessing step to narrow down at least one of a set of images. To the extent that White teaches a preprocess, the reference narrows down candidate red eye regions in a single image. This does not correspond to narrowing down at least one of a set of images as described by claim 6. The present invention allows a more efficient form of red eye correction compared to White. Therefore, claim 6 is patentable for at least this reason. Claims 7-8 are patentable based on its dependency.

With further regard to claim 7, this claim recites:

“The image correcting method according to claim 6, wherein the image data representing a photograph has shooting information obtained during shooting and attached to the image data; and

the preprocessing step performs preprocessing according to the shooting information attached to the image data.”

The Examiner rejects claim 7 because the Examiner alleges White discloses the feature that the photograph has shooting information obtained during the shooting and attached to the image data. The Examiner cites flash information in col. 5, line 64 to col. 6, line 1 as being shooting information (Office Action, page 6).

However, the neither White, nor the cited sections disclose shooting information being attached to the image data. While White may disclose metadata (such as how many times an algorithm has been run, or the pixel information itself) being part of the image data, it is not shooting information as required by claim 7 (col. 14, lines 1-23). In the present invention, the shooting information includes information concerning Exif, the flash on/off, the shutter speed, the f number, the exposure value, the lens-to-subject distance, the shooting mode, the top and bottom of the picture, the time stamp when the picture was taken, and the model of the camera (Specification, paragraph [0131]). White does not disclose shooting information obtained during shooting that is attached to the image data as required by claim 7. Therefore, claim 7 should be patentable.

Claims 9-10 recite limitations analogous to the limitations recited in claim 6 and therefore should be patentable for analogous reasons as claim 6.

Claims 11 and 14-15 describe correction of a defect with reference to the appearance of other eyes. The Examiner relies on cols. 5-6 and cols. 9-10 to teach this feature. However, cols. 5-6 describe detection and correction generally, and cols. 9-10 describe correction relative to reference colors. However, the reference colors are not in relation to the appearance of other eyes in the image. Therefore, claims 11 and 14-15 are patentable for at least this reason. Claims 12-13 are patentable based on their dependency.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.111
U.S. Application No. 10/668,250

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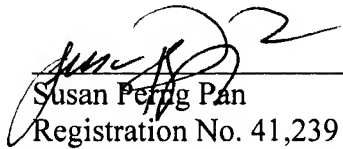
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